

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Shaw v. Onjukka et al.

Shaw v. Onjukka, No. 25-cv-0159-bhl (E.D. Wis. May 13, 2026) · No. No. 25-cv-0159-bhl · Decided May 13, 2026

SUMMARY

The court granted in part and denied in part defendants’ motion for summary judgment in Ryan Shaw’s 42 U.S.C. § 1983 action alleging constitutionally inadequate dental care. The court dismissed Shaw’s claim against Jessica Gross for lack of personal involvement but allowed his Eighth Amendment claim against Dr. Tommy Onjukka to proceed to trial. The court also denied Dr. Onjukka qualified immunity and indicated that it would attempt to recruit volunteer counsel for Shaw.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Brett H. Ludwig
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	May 13, 2026
DOCKET	No. 25-cv-0159-bhl
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action alleging that prison officials were deliberately indifferent to his serious dental needs in violation of the Eighth Amendment. Defendants moved for summary judgment.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. The court construed reasonable inferences in favor of the nonmoving party and evaluated the qualified-immunity motion by asking whether the facts, viewed in the plaintiff's favor, showed a constitutional violation and whether the right was clearly established.
PRECEDENTIAL VALUE	unknown
PARTIES	Ryan Shaw v. Dr. Tommy Onjukka, Jessica Gross

TOPICS

summary judgment

cruel and unusual punishment

section 1983

qualified immunity

civil rights

PRACTICE AREAS

civil procedure

constitutional law

prisoner civil rights

health law

remedies

QUESTIONS PRESENTED

1. Whether the evidence created a genuine dispute of material fact as to whether Dr. Onjukka was deliberately indifferent to Shaw's objectively serious dental condition in violation of the Eighth Amendment.
2. Whether Dr. Onjukka was entitled to qualified immunity at the summary-judgment stage.
3. Whether Gross could be liable under 42 U.S.C. § 1983 based only on receiving notice that Shaw's inmate complaints had been affirmed and deferring to institutional dental staff.

HOLDINGS

1. Summary judgment was denied because a reasonable jury could find that Shaw had an objectively serious dental condition and that Dr. Onjukka deliberately disregarded Shaw's persistent pain by failing to prioritize treatment or provide adequate pain relief while Shaw waited for fillings.
2. Dr. Onjukka was not entitled to qualified immunity because the evidence, viewed in Shaw's favor, could establish a violation of a clearly established Eighth Amendment right to adequate treatment for a serious medical condition.
3. Gross was entitled to summary judgment because she was not personally involved in Shaw's dental treatment; merely receiving notice that inmate complaints had been affirmed and deferring to institutional medical staff did not establish constitutional liability.

KEY QUOTATIONS

"A jury who believes Shaw's description of his pain could reasonably conclude that Dr. Onjukka's refusal to prioritize his treatment and/or provide him with pain relief while he waited demonstrated deliberate indifference to his dental condition." (Analysis)

"Defendants' summary judgment motion (Dkt. No. 32) is GRANTED as to Jessica Gross and DENIED as to Dr. Tommy Onjukka." (Conclusion)

FACTUAL BACKGROUND

While incarcerated, Shaw persistently complained of severe dental pain involving multiple teeth. After transferring to Green Bay Correctional Institution, he was placed on a fillings list but waited more than a year, receiving periodic examinations, limited pain relief, and dental wax; Dr. Onjukka extracted an infected tooth but did not provide the requested fillings. Shaw submitted more than seventy-five dental-service requests and asserted that the pain caused swelling, interfered with sleep, and sometimes prevented him from eating. Gross, a statewide health-services director, was notified that two of Shaw's inmate complaints had been affirmed but did not personally participate in his treatment.

PROCEDURAL HISTORY

Shaw, formerly incarcerated at Green Bay Correctional Institution, sued Dr. Tommy Onjukka and Jessica Gross over allegedly inadequate dental care. Defendants moved for summary judgment on November 26, 2025. The court granted the motion as to Gross, dismissed her from the action, and denied it as to Onjukka, allowing Shaw's claim against him to proceed to trial.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Foley v. City of Lafayette, 359 F.3d 925, 928 (7th Cir. 2004)
- Siegel v. Shell Oil Co., 612 F.3d 932, 937 (7th Cir. 2010)
- Parent v. Home Depot U.S.A., Inc., 694 F.3d 919, 922 (7th Cir. 2012)
- Perez v. Fenoglio, 792 F.3d 768, 777 (7th Cir. 2015)
- Lockett v. Bonson, 937 F.3d 1016, 1023 (7th Cir. 2019)
- Hayes v. Snyder, 546 F.3d 516, 522-23 (7th Cir. 2008)
- Walker v. Benjamin, 293 F.3d 1030, 1040 (7th Cir. 2002)
- Pearson v. Callahan, 555 U.S. 223, 231-32 (2009)
- Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)
- Gonzalez v. City of Elgin, 578 F.3d 526, 540 (7th Cir. 2009)
- Estate of Clark v. Walker, 865 F.3d 544, 549-50, 551 (7th Cir. 2017)
- Chilcutt v. Santiago, No. 22-2916, 2023 WL 4678583, at *3 (7th Cir. July 21, 2023)
- Burks v. Raemisch, 555 F.3d 592, 595 (7th Cir. 2009)
- Vance v. Peters, 97 F.3d 897, 991 (7th Cir. 1996)